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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,908	02/20/2002	Rudolf Ritter	219595US2PCT	2389
22850	7590	10/05/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PENG, FRED H	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 10/05/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

10/049,908

**Applicant(s)**

RITTER ET AL.

**Examiner**

Fred Peng

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/30/2006,02/20/2002.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-2, 4-13, 15-22 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-6, 10-13, 16-17, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259) in view of Ahmad et al (US 2006/0282387 A1).

Regarding Claims 1 and 12, Lawler discloses a system (FIG.1) with corresponding method for distributing picture objects comprising a communications network (FIG.1, -14), at least one media center (FIG.1, -12) connected to this communications network, a user interests database connected to the media center, in which user interests profiles are stored (FIG.1, -202a, FIG.6, 142; Col 10 lines 48-52), a picture object database connected to the media center, in which the picture objects and picture object information assigned to these picture objects are stored (FIG.1, -202a, FIG.5, -122), and one or more communications terminals (FIG.1, -20) connectible to the communications network which each have a display unit (FIG.1, -18) by which the picture objects are made visible to a user of one of the communications' terminals, wherein user identification data assigned to the user interests profiles are stored in the user interests database (FIG.5, -126; Col 7 lines 39-43),

the media center comprises means of carrying out the following functions:

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receive user identification data which is transmitted in each case by one of the communications terminals via the communications network to the media center (FIG.5, -126, Col 7 lines 44-47),

determine the user interests profile which is assigned to the received user identification data (FIG.5, 130, Col 7 lines 54-61),

determine picture objects to which picture object information is assigned having at least one correlation with information from the determined user interests profile (FIG.6, -144; Col 8 lines 54-66, Col 9 lines 1-11), and

transmit at least one of the determined picture objects over the communications network to the respective communications terminal from which the received user identification data was transmitted. Lawler further discloses the media center comprises an interests-determining module which, on the basis of the picture objects selected through the user, determines the user interest profiles and stores them in the user interests database (FIG.6, -146; Col 9 lines 12-18).

Lawler fails to disclose each communications terminal comprising a direction-of-view-determining module for determining the current direction of view of at least one eye of the user with respect to the display unit; the media center further comprising a direction-of-view-evaluation module, which, on the basis of the current direction of view that is transmitted in each case by the respective communications terminal over the communication network to the media center, and on the basis of video objects and/or picture objects transmitted from the media center over the communications network to the respective communications terminal, determines viewed spots of the video objects and/or picture objects, and determines picture objects being located at these spots and viewed by the user of the respective communications terminal.

In an analogous art, Ahmad discloses each communications terminal comprising a direction-of-view-determining module for determining the current direction of view of at least one eye of the user with respect to the display unit (FIG.3, element 302); the media center further comprising a direction-of-view-evaluation module (element 300), which, on the basis of the current direction of view that is transmitted in each case by the respective communications

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terminal over the communication network to the media center, and on the basis of video objects and/or picture objects transmitted from the media center over the communications network to the respective communications terminal, determines viewed spots of the video objects and/or picture objects, and determines picture objects being located at these spots and viewed by the user of the respective communications terminal (Para 40 lines 10-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler's system to include monitoring more specific part of the picture, as taught by Ahmad with the added advantage of providing more accurate and detailed viewing characteristic data from the users for the service providers.

Regarding Claims 2 and 13, Lawler further discloses the interests-determining module is configured to determine the user interests profiles on the basis of the picture object information in each case assigned to the picture objects selected through the direction-of-view-evaluation module (FIG.15, -122, -124, -126, -130; Col 5 lines 52-59).

Regarding Claims 5 and 16, Lawler further discloses the media center comprising means for inserting the selected picture objects into video objects (FIG.6, -142, -144, -146; FIG.3B, -80, Personal Preference, Kung Fu: The Legend Continues is the selected picture objects), which video objects are transmitted from the media center (FIG.1, -12) over the communications network (FIG.1, -14) to a respective communications terminal (FIG.1, -20), where they are made visible to the user of the respective communications terminal by means of the display unit (FIG.1, -18).

Regarding Claims 6 and 17, Lawler further discloses a video synthesizer for generating video objects from stored media objects (FIG.1, -202b), the media objects to which media object information is assigned being selected such that the media object information has at least one

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correlation with the information from the determined user interests profile (FIG.6, -144, -146; Col 9 lines 7-18).

Regarding Claims 10 and 21, Lawler further discloses the communications network comprising a mobile radio network and the communications terminals comprising mobile radio device (FIG.1, -14; Col 3 lines 53-57. Person skilled in the art knows any communication path suitable for distributing program guide data includes mobile radio link).

Regarding Claims 11 and 22, Lawler further discloses the system and corresponding method comprising a picture object input module (FIG.1, 16) for receiving picture objects and assigned picture object information relating in each case to products and/or services (FIG.3B, -80, -94, Trailside: Make your own adventure and its assigned information) and being entered via a communications network by providers of such products and/or services (FIG.1, -204; Col 10 lines 36-42), and for storing the received picture objects and assigned picture objects information in the picture object database (FIG.1, -202a, -202b, Col 10 lines 48-58).

4. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758,259) and Ahmad et al (US 2006/0282387 A1) as applied to claims 1, 2, 12 and 13 above, and further in view of Ellis et al (US 2003/0149988 A1).

Regarding Claims 4 and 15, Lawler and Ahmad disclose limitations in Claims 1,2, 12 and 13 above. Lawler further discloses a respective user include an unambiguous user identification (Col 7 lines 39-43).

Lawler and Ahmad are silent about the picture object information includes order numbers, and the media center includes an order module which initiates an order for one of the selected picture objects, for which order the order number assigned to this picture object and the unambiguous user identification of the respective user are used.

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In an analogous art, Ellis discloses the picture object information includes order numbers (FIG.5a, -370, 374), and the media center includes an order module (FIG.15a, -370) which initiates an order for one of the selected picture objects (FIG.15a, -374; AIR FORCE is the picture object), for which order the order number assigned to this picture object and the unambiguous user identification of the respective user are used (Para 142 lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Lawler and Ahmad with the picture object information includes order numbers, and the media center includes an order module which initiates an order for one of the selected picture objects, for which order the order number assigned to this picture object and the unambiguous user identification of the respective user are used, as taught by Ellis as a standard and convenient way to identify the purchase item for a particular user.

5. Claims 7-8 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758 259) and Ahmad et al (US 2006/0282387 A1) as applied to Claims 1 and 12 above, and further in view of Scarampi (US 4,931,865).

Regarding Claims 7 and 18, Lawler and Ahmad are silent about user identification data include biometric user features, and the communications terminals have sensors for capturing these biometric user features.

In an analogous art, Scarampi discloses the user identification data include biometric user features, and the communications terminals have sensors for capturing these biometric user features (Col 5lines 24-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Lawler and Ahmad with the user identification data including biometric user features, and the communications terminals have sensors for capturing these biometric user features, as taught by Scarampi as a secure way to handle the transaction, such as ordering a service.

Regarding Claims 8 and 19, Scarampi further discloses the biometric user features comprising retinal patterns (Col 6 lines 54-61), and the sensors comprising micro-electromechanical scanners for capturing these retinal patterns (Col 3 lines 62-65).

6. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (US 5,758 259) and Ahmad et al (US 2006/0282387 A1) as applied to Claims 1 and 12 above, and further in view of applicant's admitted prior art.

Regarding Claims 9 and 20, Lawler and Ahmad disclose a system and corresponding method for distributing picture object for Claims 1 and 12 above.

However, Lawler and Ahmad fail to teach the display unit comprising a virtual retinal display unit which projects light signals corresponding to video objects and/or picture objects directly onto the retina of the user.

Based on the applicant's admitted prior art, one skilled in the art at the time will understand the display unit comprising a virtual retinal display unit which projects light signals corresponding to video objects and/or picture objects directly onto the retina of the user (See applicant's spec page 8 lines 34-35, page 9 lines 1-4).

It would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Lawler and Ahmad with the display unit comprising a virtual retinal display unit which projects light signals corresponding to video objects and/or picture objects directly onto the retina of the user taught by the applicant's admitted prior art as it can be advantageous to adapt the virtual retinal display device; such that it is able to receive and process different data formats efficiently, depending upon the picture objects used.



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**Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng  
Patent Examiner



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